

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VIEW 360 SOLUTIONS LLC,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

Case No. 1:12-CV-1352 (GTS/TWD)

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

View 360 Solutions, LLC (“View 360”) files this Complaint against Google, Inc. (“Google” or “Defendant”) for infringement of U.S. Patent No. 6,157,385 (the “’385 patent”), U.S. Patent No. 6,731,284 (the “’284 patent”), U.S. Patent No. 6,243,099 (the “’099 patent”), U.S. Patent No. 6,271,853 (the “’853 patent”), U.S. Patent No. 7,542, 035 (the “’035 patent”), U.S. Patent No. 6,252,603 (the “’603 patent”), U.S. Patent No. 6,323,862 (the “’862 patent”) and U.S. Patent No. 8,077,176 (the “’176 patent”) (collectively the “Asserted Patents”).

THE PARTIES

1. View 360 is a New York limited liability company with its principal place of business at 6136 Frisco Square Blvd., Suite 385, Frisco, Texas 75034.

GOOGLE, INC.

2. Google is a Delaware corporation with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043. This Court has personal jurisdiction over Google because Google has committed, and continues to commit, acts of infringement in the state of New York, has conducted business in the state of New York, and/or has engaged in continuous and systematic activities in the state of New York.

JURISDICTION AND VENUE

3. This is an action for patent infringement under Title 35 of the United States Code. View 360 is seeking injunctive relief as well as damages.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States' patent statutes, 35 U.S.C. § 101 *et seq.*

5. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Google has committed acts of infringement in this district and/or is deemed to reside in this district.

6. This Court has personal jurisdiction over Google and venue is proper in this district because Google has committed, and continues to commit, acts of infringement in the State of New York, including in this district and/or has engaged in continuous and systematic activities in the State New York, including in this district.

COUNT I **(INFRINGEMENT OF U.S. PATENT NO. 6,157,385)**

7. View 360 incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. The '385 patent is entitled "Method of and Apparatus for Performing Perspective Transformation of Visible Stimuli." View 360 has an exclusive license to the '385 patent with rights to enforce the '385 patent and sue infringers. A true and correct copy of the '385 patent is attached as Exhibit 1.

10. The '385 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

11. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

12. On information and belief, Google has and continues to directly infringe one or more claims of the '385 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '385 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

13. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 by inducing others, including end users of Google Street View to practice the patented methods in violation of one or more claims of the '385 patent.

14. Google has been on notice of the '385 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

15. On information and belief, since Google has been on notice of the '385 patent, Google has knowingly induced infringement of the '385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 of the '385 patent, and possessed specific intent to encourage others' infringement.

16. On information and belief, since Google has been on notice of the ‘385 patent, Google knew or should have known that its action would induce actual infringement of the ‘385 patent, including at least claims 1, 2, 3, 4, 6, 7, 8, 10, 12 and 13 of the ‘385 patent.

17. Google has not produced or relied upon an opinion of counsel related to the ‘385 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

18. Google provides support to users of Google Street View.

19. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the ‘385 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 6,731,284)

20. View 360 incorporates paragraphs 1 through 19 herein by reference.

21. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

22. The ‘284 patent is entitled “Method of and Apparatus for Performing Perspective Transformation of Visible Stimuli.” View 360 has an exclusive license to the ‘284 patent with rights to enforce the ‘284 patent and sue infringers. A true and correct copy of the ‘284 patent is attached as Exhibit 2.

23. The ‘284 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

24. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

25. On information and belief, Google has and continues to directly infringe one or more claims of the '284 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '284 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

26. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '284 patent, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '284 patent.

27. Google has been on notice of the '284 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

28. On information and belief, since Google has been on notice of the '284 patent, Google has knowingly induced infringement of the '284 patent, including at least claims 1, 2, 5,

6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by of the ‘284 patent, and possessed specific intent to encourage others’ infringement.

29. On information and belief, since Google has been on notice of the ‘284 patent, Google knew or should have known that its action would induce actual infringement of the ‘284 patent, including at least claims 1, 2, 5, 6, 9, 10, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 26 and 27 by of the ‘284 patent.

30. Google has not produced or relied upon an opinion of counsel related to the ‘284 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

31. Google provides support to users of Google Street View.

32. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the ‘284 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,243,099)

33. View 360 incorporates paragraphs 1 through 32 herein by reference.

34. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

35. The ‘099 patent is entitled “Method for Interactive Viewing Full-Surround Image Data and Apparatus Therefor.” View 360 has an exclusive license to the ‘099 patent with rights to enforce the ‘099 patent and sue infringers. A true and correct copy of the ‘099 patent is attached as Exhibit 3.

36. The '099 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

37. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

38. On information and belief, Google has and continues to directly infringe one or more claims of the '099 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22, by, among other things, making, offering for sale, selling, importing and/or using the patented systems and methods via Google Street View. Google is thereby liable for infringement of the '099 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

39. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '099 patent.

40. Google has been on notice of the '099 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

41. On information and belief, since Google has been on notice of the '099 patent, Google has knowingly induced infringement of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22 of the '099 patent, and possessed specific intent to encourage others' infringement.

42. On information and belief, since Google has been on notice of the '099 patent, Google knew or should have known that its action would induce actual infringement of the '099 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19, 21 and 22 of the '099 patent.

43. Google has not produced or relied upon an opinion of counsel related to the '099 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

44. Google provides support to users of Google Street View.

45. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '099 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 6,271,853)

46. View 360 incorporates paragraphs 1 through 45 herein by reference.

47. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

48. The '853 patent is entitled "Method for Generating and Interactively Viewing Spherical Image Data." View 360 has an exclusive license to the '853 patent with rights to

enforce the '853 patent and sue infringers. A true and correct copy of the '853 patent is attached as Exhibit 4.

49. The '853 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

50. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

51. On information and belief, Google has and continues to directly infringe one or more claims of the '853 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '853 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

52. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '853 patent.

53. Google has been on notice of the '853 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

54. On information and belief, since Google has been on notice of the '853 patent, Google has knowingly induced infringement of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22 of the '853 patent, and possessed specific intent to encourage others' infringement.

55. On information and belief, since Google has been on notice of the '853 patent, Google knew or should have known that its action would induce actual infringement of the '853 patent, including at least claims 1, 3, 4, 5, 11, 13, 18, 19 and 22 of the '853 patent.

56. Google has not produced or relied upon an opinion of counsel related to the '853 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

57. Google provides support to users of Google Street View.

58. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '853 patent. In accordance with Fed .R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT V
(INFRINGEMENT OF U.S. PATENT NO. 7,542,035)

59. View 360 incorporates paragraphs 1 through 58 herein by reference.

60. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

61. The '035 patent is entitled "Method for Interactively Viewing Full-Surround Image Data and Apparatus Therefor." View 360 has an exclusive license to the '035 patent with

rights to enforce the '035 patent and sue infringers. A true and correct copy of the '035 patent is attached as Exhibit 5.

62. The '035 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

63. View 360 has been damaged as a result of Google's infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

64. On information and belief, Google has and continues to directly infringe one or more claims of the '035 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the '035 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

65. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '035 patent.

66. Google has been on notice of the '035 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

67. On information and belief, since Google has been on notice of the '035 patent, Google has knowingly induced infringement of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123 of the '035 patent, and possessed specific intent to encourage others' infringement.

68. On information and belief, since Google has been on notice of the '035 patent, Google knew or should have known that its action would induce actual infringement of the '035 patent, including at least claims 53, 54, 69, 73, 78, 80, 82, 83, 84, 86, 89, 98, 102, 105, 113, 115, 118, 119, 120, 121 and 123 of the '035 patent.

69. Google has not produced or relied upon an opinion of counsel related to the '035 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

70. Google provides support to users of Google Street View.

71. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '035 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VI
(INFRINGEMENT OF U.S. PATENT NO. 6,252,603)

72. View 360 incorporates paragraphs 1 through 71 herein by reference.

73. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

74. The ‘603 patent is entitled “Processes for Generating Spherical Image Data Sets and Products Made Thereby.” View 360 has an exclusive license to the ‘603 patent with rights to enforce the ‘603 patent and sue infringers. A true and correct copy of the ‘603 patent is attached as Exhibit 6.

75. The ‘603 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

76. View 360 has been damaged as a result of Google’s infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

77. On information and belief, Google has and continues to directly infringe one or more claims of the ‘603 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 12, 14, 17 and 18, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the ‘603 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

78. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the ‘603 patent, including at least claims 1, 12, 14, 17

and 18, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '603 patent.

79. Google has been on notice of the '603 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

80. On information and belief, since Google has been on notice of the '603 patent, Google has knowingly induced infringement of the '603 patent, including at least claims 1, 12, 14, 17 and 18 of the '603 patent, and possessed specific intent to encourage others' infringement.

81. On information and belief, since Google has been on notice of the '603 patent, Google knew or should have known that its action would induce actual infringement of the '603 patent, including at least claims 1, 12, 14, 17 and 18 of the '603 patent.

82. Google has not produced or relied upon an opinion of counsel related to the '603 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

83. Google provides support to users of Google Street View.

84. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '603 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VII
(INFRINGEMENT OF U.S. PATENT NO. 6,323,862)

85. View 360 incorporates paragraphs 1 through 84 herein by reference.

86. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

87. The ‘862 patent is entitled “Apparatus for Generating and Interactively Viewing Spherical Image Data and Memory Thereof.” View 360 has an exclusive license to the ‘862 patent with rights to enforce the ‘862 patent and sue infringers. A true and correct copy of the ‘862 patent is attached as Exhibit 7.

88. The ‘862 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

89. View 360 has been damaged as a result of Google’s infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

90. On information and belief, Google has and continues to directly infringe one or more claims of the ‘862 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43, by, among other things, making, using, offering for sale, selling and/or importing Google Street View. Google is thereby liable for infringement of the ‘862 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

91. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the ‘862 patent, including at least claims 5, 6, 9, 10, 11,

14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '862 patent.

92. Google has been on notice of the '862 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

93. On information and belief, since Google has been on notice of the '862 patent, Google has knowingly induced infringement of the '862 patent, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43 of the '862 patent, and possessed specific intent to encourage others' infringement.

94. On information and belief, since Google has been on notice of the '862 patent, Google knew or should have known that its action would induce actual infringement of the '862 patent, including at least claims 5, 6, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 26, 27, 28, 37 and 43 of the '862 patent.

95. Google has not produced or relied upon an opinion of counsel related to the '862 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

96. Google provides support to users of Google Street View.

97. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '862 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

COUNT VIII
(INFRINGEMENT OF U.S. PATENT NO. 8,077,176)

98. View 360 incorporates paragraphs 1 through 97 herein by reference.

99. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

100. The ‘176 patent is entitled “Method for Interactively Viewing Full-Surround Image Data and Apparatus Therefor.” View 360 has an exclusive license to the ‘176 patent with rights to enforce the ‘176 patent and sue infringers. A true and correct copy of the ‘176 patent is attached as Exhibit 8.

101. The ‘176 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

102. View 360 has been damaged as a result of Google’s infringing conduct described in this Count. Google is, thus, liable to View 360 in an amount that adequately compensates it for their infringement, which by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

GOOGLE (Direct Infringement)

103. On information and belief, Google has and continues to directly infringe one or more claims of the ‘176 patent in this judicial district and/or elsewhere in New York and the United States, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21, by, among other things, practicing the patented methods via Google Street View. Google is thereby liable for infringement of the ‘176 patent pursuant to 35 U.S.C. § 271.

GOOGLE (Indirect Infringement – Inducement)

104. Based on the information presently available to View 360, absent discovery, and in the alternative to direct infringement, View 360 contends that Google has and continues to indirectly infringe one or more claims of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21, by inducing others, including end users of Google Street View to use infringing devices in violation of one or more claims of the '176 patent.

105. Google has been on notice of the '176 patent since at least service of this action. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery on this issue.

106. On information and belief, since Google has been on notice of the '176 patent, Google has knowingly induced infringement of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21 of the '176 patent, and possessed specific intent to encourage others' infringement.

107. On information and belief, since Google has been on notice of the '176 patent, Google knew or should have known that its action would induce actual infringement of the '176 patent, including at least claims 1, 4, 12, 16, 17, 19, 20 and 21 of the '176 patent.

108. Google has not produced or relied upon an opinion of counsel related to the '176 patent. In accordance with Fed. R. Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

109. Google provides support to users of Google Street View.

110. Google has not produced any evidence as to any investigation, design around or that any remedial action was taken with respect to the '176 patent. In accordance with Fed. R.

Civ. P. 11(b)(3), View 360 will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

ADDITIONAL ALLEGATIONS

111. View 360 has been damaged as a result of Defendant's infringing conduct described herein. Defendant is, thus, liable to View 360 in an amount that adequately compensates View 360 for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by the Court under 35 U.S.C. § 284.

112. Defendant's actions complained of herein will continue unless Defendants are enjoined by this Court.

113. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

114. View 360 has complied with 35 U.S.C. § 287.

115. Defendant's actions complained of herein are causing irreparable harm and monetary damage to View 360 and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

JURY DEMAND

View 360 hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

View 360 requests that this Court find in its favor and against Defendant, and that this Court grant View 360 the following relief:

- a. Enter judgment for Plaintiff on this Complaint;

- b. Enter judgment that one or more claims of the ‘385, ‘284, ‘099, ‘853, ‘035, ‘603, ‘862 and ‘176 patents have been infringed, either directly or indirectly by Defendant;
- c. Enter judgment that Defendant account for and pay to View 360 all damages to and costs incurred by View 360 because of Defendants’ infringing activities and other conduct complained of herein;
- d. Award Plaintiff damages resulting from Defendant’s infringement in accordance with 35 U.S.C. § 284;
- e. Enter a permanent injunction enjoining Defendant and its offices, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with them, from infringing or inducing infringement of the ‘385, ‘284, ‘099, ‘853, ‘035, ‘603, ‘862 and ‘176 patents, or, in the alternative, judgment that Defendant account for and pay to View 360 a reasonable royalty and an ongoing post judgment royalty because of Defendant’s past, present and future infringing activities and other conduct complained of herein;
- f. That View 360 be granted pre-judgment and post-judgment interest on the damages caused by Defendant’s infringing activities and other conduct complained of herein;
- g. Treble the damages in accordance with the provisions of 35 U.S.C. § 284;
- h. Find the case to be exceptional under the provisions of 35 U.S.C. § 285;
- i. That View 360 be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: August 31, 2012

Respectfully submitted,

/s/ Daniel M. Sleasman

Daniel M. Sleasman, NY Bar No. 102619

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